

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BALDEV SINGH,	:	CIVIL ACTION
Petitioner,	:	
	:	
v.	:	NO. 20-2018
	:	
MICHAEL ZAKIN, et al.,	:	
Respondents.	:	

ORDER

On April 24, 2020, Petitioner Baldev Singh filed a counseled petition under 28 U.S.C. § 2254 for relief from a state court judgment of conviction obtained in the Berks County Court of Common Pleas. He promptly sought, and was granted, a stay of these federal proceedings while he litigated in state court a PCRA petition that also challenged that conviction. (ECF Nos. 2, 4.)

Petitioner's counsel has reported that the Court of Common Pleas granted PCRA relief to Petitioner on November 28, 2023 and that it ordered that his conviction and sentence be vacated. The Commonwealth did not file a notice of appeal as to the PCRA Court's order, and it subsequently confirmed that it would not appeal. (ECF No. 26, Mot. to Lift Stay & Dism. Hab. Pet., at ¶¶ 2-3.)

As Petitioner's recent filing makes clear, the state court provided the relief requested in the habeas petition that is before us. (*Id.* ¶ 5.) The Magistrate Judge to whom this petition was referred for a Report and Recommendation agrees that the petition may now be dismissed, and he recommends that the dismissal be with

prejudice. (ECF No. 27.) Neither Petitioner nor the Commonwealth have objected to the Magistrate Judge's recommendation.

AND NOW, this 2nd day of February, 2024, upon careful and independent consideration of filings described above, it is **ORDERED** that:

1. The Report and Recommendation of United States Magistrate Judge Richard A. Lloret (ECF No. 27) is **APPROVED**;
2. The Motion to Lift Stay and Dismiss Habeas Petition (ECF No. 26) is **GRANTED**;
3. The stay entered in this case on April 30, 2020 (ECF No. 4) is **LIFTED**;
4. The petition for a writ of habeas corpus (ECF No. 1) is **DISMISSED AS MOOT**;
5. There is no basis for a certificate of appealability under 28 U.S.C. § 2253(c)(2); and
6. The Clerk of Court shall remove this case from suspense and close the case.

s/ANITA B. BRODY, J.
ANITA B. BRODY, J.